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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,826	07/09/2003	Masashi Dendo	A-9895	8139
181	7590	07/02/2004	EXAMINER	
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			SAETHER, FLEMMING	
		ART UNIT	PAPER NUMBER	3677

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/614,826	DENDO, MASASHI <i>MASASHI</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Flemming Saether	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 5, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Gedeon (US 5,593,262). Gedeon discloses a screw grommet comprising a flange (22), a shank (24) having a cavity therein receiving a self tapping screw (16) and, a plurality of protrusions (44). The flange and shank being rectangular in cross section and a plurality of slits (48) bisecting the sides (28 and 30) so that the screw engages the bore beyond the slit (column 3, line 57-58). The protrusions are axially spaced from the flange the thickness of a plate and are shaped to include a shoulder (44b, 46b) and an inclined surface (44a, 46a).

Claims 4, 5, 6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tinnerman (US 2,975,814). Tinnerman discloses a screw grommet (10) comprising a flange (13), a shank (11, 12) having a cavity (14, 14a) therein receiving a self tapping screw (Fig. 4) and, a plurality of protrusions (15, 16). The flange and shank being rectangular in cross section and a plurality of slits (14a) bisecting the sides so that the screw engages about half its length the bore beyond the slits (see Fig. 4). The protrusions are axially spaced from the flange the thickness of a plate and are shaped to include a shoulder and an inclined surface.

Claim 11 is rejected under 35 U.S.C. 102(b) as being anticipated by Kojima (US 4,293,260). Kojima discloses a screw grommet comprising a flange (1) a shank (2) having a rectangular cross section with protrusions (6) spaced from the flange embracing diagonally opposed corners.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (US 4,293,260) in view of Gedeon (US 5,593,262). Kojima discloses a screw grommet comprising a flange (1) and a shank (2) having a rectangular cross section so that only the shank is received in a rectangular mounting hole (H). The grommet includes a cavity (4) therein receiving a tapping screw (3). Protrusions (6) are formed on the outer surface of the shank spaced from the flange (Fig. 2) and arranged diagonally to one another at the corners of the rectangular cross section of the shank. With the claims given their broadest reasonable interpretation, the protrusions have an L-shape embracing the corners. Kojima discloses the shank to have axial slits (10) but, does not disclose the slits dividing the sides along only a partial length. Gedeon discloses a screw grommet comprising a flange (22), a shank (24) wherein the flange

and shank are rectangular in cross section and include a plurality of slits (48) bisecting the sides (28 and 30) along only a partial length thereof so that a screw received therein engages the bore beyond the slit (column 3, line 57-58). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the slits disclosed in Kojima with ones as disclosed in Gedeon because the configuration disclosed in Gedeon provides a greater resiliency to the shank to facilitate insertion into the hole in the plate and further provides improved engagement with the tapping screw by allowing the screw complete circumferential engagement beyond the slits.

### ***Conclusion***

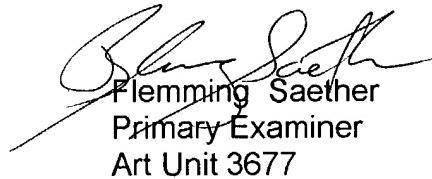
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Flemming Saether  
Primary Examiner  
Art Unit 3677